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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/934,122 | 08/20/2001 | Greg D. Schechter | 50037.30USU1 | 7727 |

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EXAMINER

WU, QING YUAN

| ART UNIT | PAPER NUMBER |
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2194

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,122

Applicant(s)

SCHECHTER ET AL.

Examiner

Qing-Yuan Wu

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/7/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 7-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because they are lacking utilities. (i.e. the computer program must be stored in a computer readable medium, and executed by a computer element to perform control of a technical procedure).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claim language is indefinite:

- i. As per claim 7, it is uncertain whether this is a computer-readable medium having computer-executable instructions claim or a method claim (i.e. applicant is required to rewrite the claim in the correct independent form).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hafsteinsson et al (hereafter Hafsteinsson) (U.S. PG Pub 2004072484A1).

8. As to claims 1 and 7, Hafsteinsson teaches the invention substantially as claimed including computer-implemented method for selecting an adapter to transform information sent from a server object to a device and information sent from the device to the server object [pg. 4, paragraph 59, lines 1-3], comprising:

determining a capability of the device [pg. 2, paragraph 23, lines 10-13];

selecting conversion and selection rules based on the capability of the device [pg. 2, paragraph 17, lines 1-13, and paragraph 20, lines 7-14; pg. 4 paragraph 60];

9. Hafsteinsson does not specifically teach retrieving information about an adapter set based on the capability, using the information to determine if the adapter set is application to the capability, if the adapter set is applicable, selecting the adapter set, wherein the adapter is

selected from the adapter set. However, Hafsteinsson disclosed the search/selection of selection/conversion rules based on the capabilities of a particular device from databases of conversion rules and based on these conversion rules transforming information to device-specific information suitable for display in a mobile device requesting the information [pg. 1, paragraph 6, lines 10-15; pg. 2, paragraphs 14-17].

10. It would have been obvious to one of ordinary skill in the art, to have recognized that the selection/conversion rules from the databases have to be determined of its applicability to the capability of the requesting device before they are selected to transformed information tailored to meet the capabilities of the particular device requesting the information [pg. 1, paragraph 7].

11. As to claim 2, Hafsteinsson does not specifically teach determining the capability of the device includes querying the device. However, Hafsteinsson disclosed determining the capability of the device upon parameters passed in as a part of a request [pg. 2, paragraph 17]. It would have been obvious to one of ordinary skill in the art to take an active approach in determining the capability of the device in the case that the server cannot determine the device's capability or identify the device based on its request.

12. As to claim 3, Hafsteinsson teaches the invention substantially as claimed including wherein determining the capability of the device includes looking up the capability in a database [pg. 2, paragraph 23].

13. As to claims 4-5, these claims are rejected for the same reason as claim 1 above.
14. As to claim 6, Hafsteinsson as modified does not specifically teaches retrieving information is performed by double dispatching. However, it is well known in the art to use multi-dispatching/double dispatching when parallel hierarchies exist.
15. As to claim 8, this is a computer-readable medium having computer-executable instructions claim that corresponds to method claim 1. Therefore, it is rejected for the same reason as method claim 1 above.
16. As to claim 9, Hafsteinsson as modified teaches the invention substantially as claimed including wherein the device transmits its capability [pg. 2, paragraph 17].
17. As to claim 10, this claim is rejected for the same reason as method claim 3 above.
18. As to claims 11-12, these are computer-readable medium having computer-executable instructions claims that correspond to method claims 4-5. Therefore, they are rejected for the same reason as method claims 4-5 above.
19. As to claim 13, this claim is rejected for the same reason as claim 6 above.

20. As to claim 14, Hafsteinsson teaches substantially the method for selecting an adapter to transform information. Therefore Hafsteinsson teaches substantially the system for implementing the method.

21. As to claims 15-16, these claims are rejected for the same reason as claims 2-3 above.

22. As to claim 17, this claim is rejected for the same reason as claim 1 above.

23. As to claim 18, this claim is rejected for the same reason as claims 4-5 above.

24. As to claim 19, this claim is rejected for the same reason as claim 6 above.

25. As to claim 20, Hafsteinsson teaches the invention substantially as claimed including a system for transforming data sent between a device and a server, comprising:

means for determining a capability of the device;

means for receiving data sent from the device;

means for sending data to the device; and

means for coordinating communication between the device and an application executing on the server, the coordination means being coupled to the capabilities means, the receiving means, and the sending means [pg. 1, paragraphs 6-7].

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2194


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2194